

# Arent Fox

November 23, 2009

**VIA ECF**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20554

**Ross A. Buntrock**

Attorney  
202.775.5734 DIRECT  
202.857.6395 FAX  
buntrock.ross@arentfox.com

**Re: 5:09-cv-04085-DEO *Great Lakes Communication Corp., et al. v. Berntsen, et al.*;  
Response to Qwest's November 9, 2009 *Ex Parte*; Response to Qwest's November  
18, 2009 *Ex Parte*; WC Docket No. 09-152**

Dear Ms. Dortch:

Great Lakes Communication Corp. ("Great Lakes") hereby submits a November 23, 2009 letter sent to Melissa E. Newman of Qwest concerning Qwest's November 9, 2009 *Ex Parte* letter and its repeated misrepresentations both before the Commission and the United States District Court for the Northern District of Iowa. Specifically, Qwest continues to assert that Great Lakes obtained a Temporary Restraining Order in the above-referenced case without notice to the Iowa Utilities Board. As the attached timeline makes abundantly clear, Qwest's assertions regarding this issue are demonstrably false — both the Iowa Utilities Board and Neustar, Inc. were given ample notice of Great Lakes's Complaint and Motion for Temporary Restraining Order. Qwest's claims to the contrary are simply untrue.

Further, Great Lakes responds to the *Ex Parte* letter filed by Qwest on November 18, 2009, in which Qwest requested that the Commission "act expeditiously" on Qwest's petition for reconsideration in the *Farmers and Merchants* proceeding.<sup>1</sup> Although it is apparent that Qwest is hoping that the Commission overturns a decade's worth of controlling precedent finding that IXC's like Qwest must pay the tariffed rates for traffic they send to LECs,<sup>2</sup> that hope is misplaced: *Farmers and Merchants* is final and binding federal authority as it relates to the Commission's tariff-based holdings and analysis.

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<sup>1</sup> *Qwest Commc'ns. Corp. v. Farmers and Merchants Mut. Tel. Co.*, File No. EB-07-MD-001, Memorandum Opinion and Order, 22 FCC Rcd. 17973 (2007) ("*Farmers and Merchants Order*").

<sup>2</sup> See *AT&T Corp. v. Jefferson Tel. Co.*, Memorandum Opinion and Order, 16 FCC Rcd. 16130, 16132 ¶ 5 (2001) ("Jefferson would make payment to [its end user] based on the amount of access revenues that Jefferson received for terminating calls."); see also *AT&T Corp. v. Frontier Commcn's of Mt. Pulaski, Inc.*, Memorandum Opinion and Order, 17 FCC Rcd. 4041-42, ¶¶ 1, 2 (2002) (same); *AT&T v. Beehive Tel. Co.*, Memorandum Opinion and Order, 17 FCC Rcd. 11641, 11655 ¶ 28 (2002) (same).

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Section 405 of the Communications Act, 47 U.S.C. § 405, requires that the Commission resolve any substantive reconsideration of a tariff dispute within 90 days:

Within 90 days after receiving a petition for reconsideration of an order concluding a hearing under section 204(a) of this title or concluding an investigation under section 208(b) of this title, the Commission shall issue an order granting or denying such petition.

Qwest filed its tariff complaint against Farmers and Merchants under Section 208(b), and thus if the Commission were inclined to change its substantive decision in that case, the 90-day deadline would have been required to be met. It has been, however, over a year since the Commission ordered Farmers to produce additional discovery and allowed Qwest to file a supplemental petition for reconsideration in May 2008. If the Commission were intending to overturn its prior decision, Section 405 required it to do so in August 2008. No order has issued. Thus, whether an entity that “enter[s] one’s name for service” to a LEC is an “end user”<sup>3</sup> cannot be the issue under reconsideration.

Finally, Great Lakes notes that, as Qwest’s filing highlights, Magistrate Judge Zoss of the Northern District of Iowa finds no grounds on which the Commission should alter its holding in *Farmers and Merchants*. The Commission thus should be confident in affirming its holding, and in so doing will put an end to Qwest’s nationwide campaign of collaterally attacking the *Farmers and Merchants Order* in various tribunals while simultaneously refusing to pay its bills.

Respectfully submitted,



Ross A. Buntrock,  
*Counsel to Great Lakes Communication Corp.*

cc: Priya Aiyar, Legal Advisor to Chairman Genachowski  
Jennifer Schneider, Legal Advisor to Commissioner Copps  
Christine Kurth, Legal Advisor to Commissioner McDowell  
Carol Simpson, Legal Advisor to Commissioner Clyburn  
Christi Shewman, Legal Advisor to Commissioner Attwell Baker

---

<sup>3</sup> *Farmers and Merchants Order*, 22 FCC Rcd. at 17987 ¶ 38.

# Arent Fox

November 23, 2009

**VIA U.S. MAIL**

**Ross A. Buntrock**

Attorney  
202.775.5734 DIRECT  
202.857.6395 FAX  
buntrock.ross@arentfox.com

Melissa E. Newman  
Vice President — Federal Relations  
Qwest  
607 14th Street NW  
Suite 950  
Washington, DC 20005

**Re: 5:09-cv-04085-DEO *Great Lakes Communication Corp., et al. v. Iowa Utilities Board, et al.*; Response to Qwest's November 9, 2009 Ex Parte, WC Docket No. 09-152**

Dear Ms. Newman:

On behalf of Great Lakes Communication Corp. and Superior Telephone Cooperative, I write to address Qwest's continued misrepresentations of the record in the above-referenced case and docket. Specifically, your statement in your Nov. 9 letter to the members of the Commission that "notice was not given to the IUB" before the United States District Court for the Northern District of Iowa issued the Temporary Restraining Order is demonstrably false, as the attached letter to Qwest's outside counsel, Charles W. Steese, makes abundantly clear. Accordingly, I ask that you cease making any further misrepresentations regarding this issue to the FCC or any other tribunal.

Sincerely,



Ross A. Buntrock,  
*Counsel to Great Lakes Communication Corp. and  
Superior Telephone Cooperative*

Attachment

RPP/361169.1

# Arent Fox

November 19, 2009

**VIA EMAIL AND FEDERAL EXPRESS**

Mr. Charles W. Steese  
Steese Evans Frankel, PC  
6400 S. Fiddlers Green Circle, Suite 1820  
Denver, CO 80111

**Ross A. Buntrock**

Attorney  
202.775.5734 DIRECT  
202.857.6395 FAX  
buntrock.ross@arentfox.com

**Re: 5:09-cv-04085-DEO Great Lakes Communications Corp, et al v Iowa Utilities Board, et al.**

Dear Mr. Steese:

I write regarding your troubling and repeated misrepresentation of facts with regard to the above-referenced case. On several occasions, you have incorrectly stated either in writing or verbally to the Court or the Iowa Utilities Board that Great Lakes failed to serve the Iowa Utilities Board or Neustar with the Complaint and Motion for Temporary Restraining Order/Preliminary Injunction until after the Court had entered the TRO and after Great Lakes had notified the media. Examples of these misrepresentations include:

- **Memorandum in Support of Emergency Motion by Qwest Communications Company, LLC to Intervene of Right and Request for Expedited Consideration Pursuant to LR 7(J) at 4 [Dkt. 21]:**
  - “Likewise, the Temporary Restraining Order that Plaintiffs obtained without notice to Qwest, the Iowa Utilities Board or Neustar, enjoins the Iowa Board for ten days from taking any action to enforce the Final Order or several of its findings and ordering clauses.”
- **Qwest’s Reply in Support of Emergency Motion by Qwest Communications Company, LLC to Intervene of Right and Request for Expedited Consideration Pursuant to LR 7(J) at 4 [Dkt. 31]:**
  - “Similarly, Plaintiffs blithely ignore that they have obtained – without providing notice to Qwest, Sprint, the Board or Neustar – a TRO from this Court which challenges the entirety of the Final Order.”
- **Qwest’s Memorandum in Support of Motion to Dissolve Temporary Restraining Order at 3 [Dkt. 50-1]:**
  - “Given that Great Lakes’ counsel informed the press of the TRO before informing Qwest and the other parties of the TRO (see, Dkt. 21), and given that both

## Arent Fox

Plaintiffs already have a petition to the FCC that seeks the same relief (in addition to the parties' already-pending action in the Southern District of Iowa regarding the same facts and issues), it appears that Plaintiffs filed this entire proceeding with improper purpose: a publicity stunt and deprivation of due process."

- **November 13, 2009 Hearing Before Magistrate Judge Zoss, Transcript at 222:21-223:17:**

MR. STEESE: And -- and then here, Your Honor, the trouble is we got this TRO without notice and a fight to keep Qwest and Sprint from coming into the case. And what we have is this evidence now and the evidence clearly is that they didn't have the certification requirements required for the numbers and they never even disclosed that in their TRO papers. Ever. It wasn't even there. Yet they come in without notice and they tell you that this is imminent, as if the numbers are going to fall off the ledge one at a time between now and December 21st.

THE COURT: In the TR papers -- in the TRO papers they said that all the parties were well aware of the filings and what was happening. Was this completely without notice?

MR. STEESE: Completely without notice.

THE COURT: You didn't know that they filed a TRO?

MR. STEESE: We didn't know. Not even -- you know who called me was a reporter. Called us and said, "Were you aware of this?" They called the press before they called us. They called the press before they told the Board. 100 percent without notice and they didn't bring the facts to the Court.

- **Qwest's Motion Regarding Time In Which to File Response to Respondent Objections to Qwest's Refund and Credit Calculations and To ILEC Group's Request for Procedural Conference (Nov. 18, 2009) (filed with the Iowa Utilities Board in FCU-07-2):**
  - "From November 5 through November 16, 2009, the Board was temporarily restrained from enforcing the September 21 Final Order in this case, by a TRO

## Arent Fox

obtained without notice the Board or Qwest, in *Great Lakes Communication Corp. v. Berntsen*, Civ. No. 09-4085-DEO, United States District Court for the Northern District of Iowa.”

Your representations are demonstrably false, as the timeline below and attached documents demonstrate.

- **Tuesday, November 3, 2009 at 7:17 PM CST:** Great Lakes files, *inter alia*, its Complaint and Motion for Temporary Restraining Order and Preliminary Injunction. As the attorney certification [Dkt. 6-1] makes clear to the Court, counsel for Great Lakes has been in contact with Neustar, Inc. and the Federal Communications Commission regarding the number reclamation. Great Lakes commits to providing formal notice of the request for the Temporary Restraining Order and Preliminary Injunction to “the defendants in this action,” *i.e.*, the Iowa Utilities Board, the IUB members, and Neustar, Inc.
- **Wednesday, November 4, 2009 at 11:00 AM EST (Attachment 1):** Counsel for Great Lakes emails a copy of the Complaint and Motion for Temporary Restraining Order to Neustar.
- **Wednesday, November 4, 2009 at 12:15 PM EST (Attachment 2):** Counsel for Great Lakes has made arrangements for the Complaint and Temporary Restraining Order to be hand delivered to David Lynch at the Iowa Utilities Board and transmits those documents to counsel in Des Moines, Iowa.
- **Wednesday, November 4, 2009 at 1:31 PM EST (Attachment 2):** The local law firm in Des Moines, Iowa acknowledges that they have received and are printing the documents for hand delivery to the Iowa Utilities Board.
- **Wednesday, November 4, 2009 by 4:30 PM CST (Attachment 3):** The local law firm in Des Moines, Iowa has hand delivered the Complaint and Temporary Restraining Order to the Iowa Utilities Board.
- **Thursday, November 5, 2009 at 12:52 PM CST:** Judge O’Brien enters the Temporary Restraining Order.
- **Thursday, November 5, 2009 at 2:47 PM EST (Attachment 4):** Counsel for Great Lakes notifies that the Iowa Utilities Board and Neustar, Inc. that the United States District Court for the Northern District of Iowa has entered a Temporary Restraining Order in favor of Great Lakes.

## Arent Fox

- **Thursday, November 5, 2009 at 2:58 PM EST (Attachment 5):** Counsel for Great Lakes notifies all counsel of record to the IUB case, including you, Mr. Steese, and your colleagues, Maureen Rahrle and Sandra Potter, that the United States District Court for the Northern District of Iowa has entered a Temporary Restraining Order in favor of Great Lakes.
- **Thursday, November 5, 2009 at 5:50 PM EST (Attachment 6):** Counsel for Great Lakes releases its first and only media advisory regarding the Temporary Restraining Order.

Thus, Great Lakes did not misrepresent any facts to the Court when it sought the TRO and both the IUB and Neustar were given notice prior to the Court's entry of the TRO. Indeed, neither of these parties have ever suggested otherwise. Further, Great Lakes informed the IUB, Neustar, Qwest, Sprint, AT&T and the other LECs several hours before it released any statement to the press. Whether you and your staff failed to read that email before the press contacted you is a matter beyond our control.

Accordingly, Mr. Steese, I anticipate that you will refrain from continuing to make any further misrepresentations regarding this issue or in any way intimating that Neustar or the IUB did not receive notice of Great Lakes Complaint and Motion before the Court entered the Temporary Restraining Order or that Great Lakes informed the media before informing you of the Court's TRO. The facts clearly demonstrate otherwise and you have a duty of candor to the tribunal to cease misrepresenting these facts.<sup>1</sup> Indeed, it is particularly disquieting that you have

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<sup>1</sup> Nor are these misrepresentations the only one that you have made to the Court. Indeed, during the November 13, 2009 hearing, you misrepresented to the Court that the Iowa Utilities Board had determined that the decision in *Qwest Communications Corp. v. Farmers & Merchants*, FCC 07-175, File No. EB-07-MD-001, had been *procured by fraud*.

THE COURT: What -- why do I care what Merchants did with the FCC?

MR. STEESE: Because they are asking you to rely upon a decision, the Merchants decision, as conflicting federal law, which they know is procured by fraud.

THE COURT: You think I -- are you admitting that's procured by fraud?

MR. STEESE: That's the IUB's finding. That is the IUB's finding in the final order that it was procured by fraud.

## Arent Fox

engaged in such blatant misrepresentations while simultaneously impugning my credibility and the credibility of my colleagues by suggesting in public documents that we should be sanctioned for a lack of candor to the court. We take our professional reputation and our duty of candor to the court quite seriously. As such, please know that your litigation tactics will not be countenanced.

Sincerely,



Ross A. Buntrock

cc via email: Bret Dublinske, Esq.  
David Lynch, Esq.  
John Corrado, Esq.  
Stephanie Joyce, Esq.  
David Carter, Esq.  
Jeana Goosmann, Esq.  
Jeremy Cross, Esq.

Attachments

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The Iowa Utilities Board never made such a finding. Rather, it concluded that the FCC "has not made a final ruling in the Farmers & Merchants proceeding . . ." and that it was reconsidering its decision to consider whether the backdating of contracts would have any impact on its ultimate determination. IUB's Final Order at 29.



# ATTACHMENT 1

**Carter, David**

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**Subject:** FW: 5:09-cv-04085-DEO Great Lakes Communications Corp, et al v Iowa Utilities Board, et al

**Attachments:** 2009-11-03 Great Lakes Motion for Temporary Restraining Order and Preliminary Injunction.pdf; 2009-11-03 Great Lakes Motion to Hold Count VI of Complaint in Abeyance.pdf; 2009-11-03 Great Lakes Complaint for Declaratory, Injunctive and Other Relief.pdf



2009-11-03 Great Lakes Motion ... 2009-11-03 Great Lakes Motion ... 2009-11-03 Great Lakes Complai...

-----Original Message-----

From: Buntrock, Ross

Sent: Wednesday, November 04, 2009 11:00 AM

To: 'jordan.goldstein@neustar.biz'; 'amy.putnam@neustar.biz'; 'linda.hymans@neustar.biz'; 'Manning, John'

Cc: 'austin.schlick@fcc.gov'; 'sharon.gillett@fcc.gov'; 'albert.lewis@fcc.gov'; 'diane.griffin@fcc.gov'

Subject: FW: 5:09-cv-04085-DEO Great Lakes Communications Corp, et al v Iowa Utilities Board, et al

Attached, please find courtesy copies of motions filed last night in Federal District court in N.D. Iowa.

Regards,  
Ross

Ross Buntrock  
Partner

Arent Fox LLP | Attorneys at Law  
1050 Connecticut Avenue, NW  
Washington, DC 20036-5339  
202.775.5734 Direct | 202.857.6395 Fax  
buntrock.ross@arentfox.com | www.arentfox.com

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## ATTACHMENT 2

## Carter, David

**From:** Anita Creps [acreps@ParrishLaw.com]  
**Sent:** Wednesday, November 04, 2009 1:31 PM  
**To:** Carter, David  
**Cc:** Buntrock, Ross; Joyce, Stephanie; Fleming, Michael  
**Subject:** RE: Great Lakes/Superior Documents

I have the documents printing now and will get them delivered to David Lynch this afternoon.

~Anita~

**From:** Carter, David [mailto:Carter.David@ARENTFOX.COM]  
**Sent:** Wednesday, November 04, 2009 12:15 PM  
**To:** Anita Creps  
**Cc:** Buntrock, Ross; Joyce, Stephanie; Fleming, Michael  
**Subject:** FW: Great Lakes/Superior Documents

Dear Ms. Creps:

Per your earlier conversation with Ross Buntrock, attached please find the documents that we would like to have hand delivered to the Iowa Utilities Board today. A cover letter from Ross is also attached and should accompany the materials.

Please do not hesitate to contact me if you have any questions.

Regards,  
David

David Carter  
Attorney

Arent Fox LLP | Attorneys at Law  
1050 Connecticut Avenue, NW  
Washington, DC 20036-5339  
202.857.8972 DIRECT | 202.857.6395 FAX  
[carter.david@arentfox.com](mailto:carter.david@arentfox.com) | [www.arentfox.com](http://www.arentfox.com)

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11/19/2009

## ATTACHMENT 3

Arent Fox

November 4, 2009

VIA HAND DELIVERY

David Lynch  
General Counsel  
Iowa Utilities Board  
350 Maple Street  
Des Moines, IA 50319-0069

Ross A. Buntrock  
Attorney  
202.775.5734 DIRECT  
202.857.6395 FAX  
buntrock.ross@arentfox.com

Re: *Great Lakes Communication Corp. v. Iowa Utilities Board, et al., 09-cv-4085 (N.D. Iowa)*

Dear Mr. Lynch:

On behalf of Great Lakes Communication Corp. and Superior Telephone Cooperative, I have enclosed courtesy copies of pleadings filed yesterday in the United States District Court for the Northern District of Iowa. Great Lakes is seeking a Temporary Restraining Order and Preliminary Injunction to enjoin the Iowa Utilities Board; Robert B. Berntsen, Krista K. Tanner, and Darrell Hanson, in their official capacities as Members of the Iowa Utilities Board and not as individuals; and Neustar, Inc., the North American Numbering Plan Administrator and Pooling Administrator, from taking any actions to enforce the Final Order of the Iowa Utilities Board, issued on September 21, 2009, in the case styled as *Qwest Comms. Corp. v. Superior Telephone Coop., et al.*, Docket No. FCU-07-2 (Iowa Utils. Bd. Sep 21, 2009).

Summonses will be served on the parties separately. Please contact me if you have any questions.

Sincerely,



Ross A. Buntrock  
Counsel for Plaintiffs

## ATTACHMENT 4

**Carter, David**

**From:** Buntrock, Ross  
**Sent:** Thursday, November 05, 2009 2:47 PM  
**To:** 'rob.berntsen@iub.state.ia.us'; 'darrell.hanson@iub.state.ia.us'; 'krista.tanner@iub.state.ia.us'; 'david.lynn@iub.state.ia.us'; 'jordan.goldstein@neustar.biz'; 'amy.putnam@neustar.biz'; 'linda.hymans@neustar.biz'; 'Manning, John'  
**Cc:** 'austin.schlick@fcc.gov'; 'sharon.gillett@fcc.gov'; 'albert.lewis@fcc.gov'; 'diane.griffin@fcc.gov'  
**Subject:** Great Lakes Communications Corp, et al v Iowa Utilities Board, et al: Temporary Restraining Order Granted Against Iowa Utilities Board, Robert Bernsten, Krista K. Tanner, Darrell Hanson, and Neustar, Inc.  
**Importance:** High  
**Attachments:** TRO Order.pdf; Referral of Pl.pdf

**EXTREMELY URGENT**

**To:** Iowa Utilities Board  
Robert Bernsten, as a Member of the Iowa Utilities Board  
Krista K. Tanner, as a Member of the Iowa Utilities Board  
Darrell Hanson, as a Member of the Iowa Utilities Board  
Neustar, Inc.

**CC:** Federal Communications Commission

You are hereby informed that the United States District Court for the Northern District of Iowa has today issued a Temporary Restraining Order in favor of Great Lakes Communication Corporation and that you are lawfully enjoined thereby from taking any action to enforce the Final Order of the Iowa Utilities Board, issued on September 21, 2009, in the case styled as *Qwest Commc. Corp. v. Superior Telephone Coop., et al.*, Docket No. FCU-07-2 (Iowa Utils. Bd. Sep. 21, 2009), and, in particular, Findings of Fact 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15; Order Clauses 1, 2, 3, 4, and 7; and the decision to initiate a proceeding asking Great Lakes to show cause why its certificate of public convenience and necessity should not be revoked; or any other provision of state or federal law incorporated by reference therein, or any other orders, rules, or regulations issued pursuant thereto, as against a provider of telecommunications services, including the Plaintiffs. The Court's Order, together with an Order referring the pending Motion for Preliminary Injunction to Magistrate Judge Zoss, is attached hereto.

Courtesy copies of the pleadings in the above-referenced action have been provided to you and have or will be served upon you in accordance with the law.

Regards,

**Ross Buntrock**  
**Partner**

Arent Fox LLP | Attorneys at Law  
1050 Connecticut Avenue, NW  
Washington, DC 20036-5339  
202.775.5734 DIRECT | 202.857.6395 FAX  
[buntrock.ross@arentfox.com](mailto:buntrock.ross@arentfox.com) | [www.arentfox.com](http://www.arentfox.com)

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## ATTACHMENT 5

**Carter, David**

**Subject:** FW: Great Lakes Communications Corp, et al v Iowa Utilities Board, et al: Temporary Restraining Order Granted Against Iowa Utilities Board, Robert Bernstein, Krista K. Tanner, Darrell Hanson, and Neustar, Inc.

**From:** Buntrock, Ross [mailto:Buntrock.Ross@ARENTFOX.COM]

**Sent:** Thursday, November 05, 2009 2:58 PM

**To:** 'Maureen Rahrle'; Bowser, Adam; 'Brendan J. McMurrer'; 'Bret Alan Dublinske'; 'David L. Lawson'; 'Hunseder, Michael'; 'James F. Bendoric'; 'Troup, James U.'; 'Jon Blessing'; 'Canis, Jonathan'; 'Lawrence P. McLellan'; 'Lettys Friesen'; 'Marc A. Goldman'; 'Paul Lundberg'; 'Richard W. Lozier Jr.'; 'Robert Holz Jr.'; 'Shenk, Christopher T.'; 'Joyce, Stephanie'; 'Steven Nelson'; 'Thomas Fisher'; 'Lee, Tony S.'; 'Chuck Steese'; 'Sandra Potter'; 'Thomson, George'

**Subject:** Great Lakes Communications Corp, et al v Iowa Utilities Board, et al: Temporary Restraining Order Granted Against Iowa Utilities Board, Robert Bernstein, Krista K. Tanner, Darrell Hanson, and Neustar, Inc.

To: All Counsel of Record in *Qwest Commc. Corp. v. Superior Telephone Coop., et al.*, Docket No. FCU-07-2

Dear Counsel:

This message is to inform you that the United States District Court for the Northern District of Iowa has issued a Temporary Restraining Order in favor of Great Lakes Communication Corporation enjoining the Iowa Utilities Board, Robert Bernstein, as a Member of the Iowa Utilities Board, Krista K. Tanner, as a Member of the Iowa Utilities Board, Darrell Hanson, as a Member of the Iowa Utilities Board, and Neustar, Inc. from taking any action to enforce the Final Order of the Iowa Utilities Board, issued on September 21, 2009, in the case styled as *Qwest Commc. Corp. v. Superior Telephone Coop., et al.*, Docket No. FCU-07-2 (Iowa Utils. Bd. Sep. 21, 2009), and, in particular, Findings of Fact 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15; Order Clauses 1, 2, 3, 4, and 7; and the decision to initiate a proceeding asking Great Lakes to show cause why its certificate of public convenience and necessity should not be revoked; or any other provision of state or federal law incorporated by reference therein, or any other orders, rules, or regulations issued pursuant thereto, as against a provider of telecommunications services, including the Plaintiffs. The Court's Order is attached.

Sincerely,

Ross Buntrock

Ross Buntrock  
Partner

Arent Fox LLP | Attorneys at Law  
1050 Connecticut Avenue, NW  
Washington, DC 20036-5339  
202.775.5734 DIRECT | 202.857.6395 FAX  
[buntrock.ross@arentfox.com](mailto:buntrock.ross@arentfox.com) | [www.arentfox.com](http://www.arentfox.com)

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## ATTACHMENT 6

Carter, David

From: Telecom @ Arent Fox [telecom@arentfox.com]

Sent: Thursday, November 05, 2009 5:05 PM

To: Carter, David

Subject: BREAKING NEWS: Federal Judges Blocks Iowa Utilities Board Order to Seize Telephone Numbers

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**Arent Fox | MEDIA RELEASE**

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**Arent Fox Wins Federal Temporary Restraining Order Against Iowa  
Utilities Board on Behalf of Client  
Great Lakes Communication Corp.**

*Federal Judge Blocks Iowa Utilities Board Order to Seize Telephone Numbers*

**WASHINGTON, DC - NOVEMBER 5, 2009** — Arent Fox LLP today obtained a temporary restraining order from a federal judge that blocks any implementation of a decision issued September 21 by the Iowa Utilities Board (IUB), including its decision to seize telephone numbers assigned to the firm's client Great Lakes Communication Corp., a local exchange carrier. The order came in the case, *Great Lakes Communication Corp. v. Iowa Utilities Board, et al*, Case No. 09-cv-4085 (N.D. Iowa).

Arent Fox filed the motion for the temporary restraining order and preliminary injunction with the US District Court for the Northern District of Iowa (Western Division) on Tuesday, November 3.

In its successful motion, Arent Fox argued Great Lakes was in "imminent danger of being shut down" unless the IUB's unlawful order to have the North American Numbering Plan Administrator (NANPA) repossess Great Lake's telephone numbers was not stopped.

NANPA is a non-governmental entity appointed by Federal Communications Commission to assign telephone numbers used throughout the public switched telephone network in the United States.

Arent Fox argued the IUB committed numerous legal and factual errors in its September 21, 2009 unlawful Final Order issued in a complaint proceeding brought by Qwest Communications Corp. against eight Iowa local exchange carriers (LECs). *In re: Qwest Communications Corp. v. Superior Telephone Cooperative* (Docket No. FCU 07-2).

If the IUB's unlawful order were allowed to stand, wrote Arent Fox in its motion for a temporary restraining order, it would "have an immediate and direct impact on interstate communications and inflict irreparable harm on Great Lakes."

"The Final Order irreparably harms Great Lakes by directing NANPA to reclaim the telephone numbers Great Lakes uses in order to serve end user customers and to provide interstate

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access service," Arent Fox argued to the Northern District of Iowa. "The IUB's attempt to strip Great Lakes' numbers is well outside the bounds of its limited delegated authority. The FCC numbering rules plainly were not intended to be applied by states in the manner applied by the IUB."

In addition, the IUB order violates federal law and the United States Constitution because it would prohibit Great Lakes from providing any services whatsoever, including interstate telecommunications services which are under the jurisdiction of the FCC.

The court issued the temporary restraining order on Thursday afternoon, blocking implementation of the unlawful IUB order and giving Great Lakes an important victory. A federal judge is scheduled to hear additional argument on November 10, 2009.

For more information on the judge's temporary restraining order, please contact:


Ross Buntrock  
[buntrock.ross@arentfox.com](mailto:buntrock.ross@arentfox.com)  
202.775.5734

Stephanie A. Joyce  
[joyce.stephanie@arentfox.com](mailto:joyce.stephanie@arentfox.com)  
202.857.6081

1050 CONNECTICUT AVE. NW  
WASHINGTON, DC 20036

1675 BROADWAY  
NEW YORK, NY 10019

555 WEST FIFTH ST. 48 FL.  
LOS ANGELES, CA 90013

ARENT FOX LLP 

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